

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:** Friday, July 27, 2001, 1:30 p.m., Council Chambers, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

<b>Members:</b>	Linda Wibbels, Tom Wanser, Gerry Krieser, and Gene Carroll
<b>Others:</b>	Rodger Harris (Building & Safety), Rick Peo (City Law Dept.), Jason Reynolds and Missy Minner (Planning Dept.), applicants and other interested parties.

**STATED PURPOSE**

**OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

Acting Chair Wibbels called the meeting to order and requested a motion approving the May 25, 2001 minutes. Motion for approval made by Carroll, seconded by Krieser. Motion for approval carried 4-0; Carroll, Krieser, Wanser, and Wibbels voting 'yes'; Hancock absent.

**City Board of Zoning Appeals No. 2311**

**Requested by J Michael Rierden for a variance to the side yard setback on property located at 3760 Spruce Street.**

**PUBLIC HEARING**

**July 27, 2001**

Members present: Wibbels, Krieser, Wanser, and Carroll

Michael Rierden appeared. His presentation outlined the requirements of the Board in relation to this appeal. He noted that this is an area variance which deals with practical difficulty, rather than a use variance which has to do with hardship. There are 29 residences along Spruce Street between 36<sup>th</sup> and 40<sup>th</sup> Streets. Of those 29, only 3 do not have double stall garages. Most of the houses were built in the 60s and 70s by the same developer. It is unclear why the developer chose not to put double garages on all the houses.

The garage on the other end of the block is built up to the lot line. That property is in the same zoning district as this one is. This request would not go that far. Additionally, the lot to the north is the same size as this lot and its garage goes right up to the lot line.

He cited an article from the Wall Street Journal called "Garages on Steroids" which talks about how people used to try to hide their garages. Now they have become more of a status symbol. This is due to larger cars, more cars per family, and having more stuff to store. Mr. Birchfield needs the extra space to store his tools and workbench and provide a workshop area.

They have received numerous letters from neighbors supporting this request and know of no one who is opposed to it.

This proposal will not create any hazards and will still be 16' from the property to the west. This request would be an asset to the neighborhood and the value of the home. The request is also in compliance with the zoning district.

Wibbels indicated that the Board had received a letter from Mary Kottas who is opposed to the variance. Mr. Birchfield appeared. He was shocked by Ms. Kottas' letter. He indicated that they had talked with her about their plans the last time they made this application. At that time her husband was still alive and asked that they not disturb the natural drain. Additionally, about a week and a half ago, he spoke with her son who indicated that she did not have any objections to their plans.

This garage would be a life long dream come true. He has followed all the rules with all of the construction he has done in his back yard. The staff in the Building & Safety and Planning Departments have been extremely helpful. He pointed out that there would still be 22' between the homes if the variance were granted.

Rierden was of the opinion that Ms. Kottas' concerns were basically unfounded as there are not that many windows on her house. He added that this will probably increase the values of the properties in the neighborhood.

Wanser asked what has changed since the variance in 1997 was denied. Birchfield indicated that he did not feel the reasons for denial at that time were valid. Rierden added that the vote was not unanimous.

Wanser asked if he has considered building a garage that is 20' wide. That would meet the required setback and allow room for what he wants to do. Birchfield indicated that would be too narrow for 2 cars.

Krieser asked if the garage to the north is new. Birchfield stated that it has been there since they moved there in 1989.

Wibbels asked staff to outline the rules and setback requirements on attached versus detached garages. Rodger Harris stated that an attached garage would be considered part of the main building and would require a 10' setback. A detached garage must be 6' or more from the building and 60' back from the front yard line. It can come within 2' of side lot line. That part of the code dates back to 1953 code. In those years and prior years, detached garages were more common.

With no one further appearing, the public hearing was closed.

## **ACTION**

**July 27, 2001**

Members present: Wibbels, Krieser, Wanser, and Carroll

Carroll moved denial, seconded by Wanser.

Carroll based his denial on the letter from the neighbor and the fact that this had previously been denied. In addition, a 20' garage would be buildable without the variance and would be adequate for 2 cars with additional space for a work area.

Motion for denial carried 3-1; Carroll, Wanser, and Wibbels, voting 'yes', Krieser voting 'no'; Hancock absent.

## **City Board of Zoning Appeals No. 2312**

**Requested by Loel P Brooks for a variance to the side yard setback on property located at 1925**

**Dakota Street.**

**PUBLIC HEARING**

**July 27, 2001**

Members present: Wibbels, Krieser, Wanser, and Carroll

Loel Brooks appeared. He had a presentation prepared by his contractor. He and his wife have owned this property since 1991. The house was built in the mid 20s. They are the 3<sup>rd</sup> owner of the home. In 1997, they constructed an addition on the south side of the residence over an existing addition put on by the previous owner. They have also opened up the attic with dormers.

Their primary problem with the home is that it has a small 10' x 8' kitchen. There is not enough room for them to sit down as a family in the kitchen. There is also very little storage. They are hoping to add an addition to expand the kitchen and open up the interior of the house. The limitation of the property that is unique is that the only way to expand the kitchen and improve that part of the house is to move to the south. There is a detached garage that would have to be moved in order to permit the addition. It could only be moved further south or to the east side of the lot.

They are proposing to expand the house 20' to the south and 20' to the west, which would basically square it off on the south side. They would end up with a 110' long driveway. Not only is that logistically difficult, it creates a safety problem for children playing in the area and pedestrians.

They would like to address that problem by moving the garage to the east side of the home. The proposed garage is 18'6" which is adequate for 2 cars. The plan proposes the entrance of the house on the other side. That would allow the garage to have an indoor access. This will all be designed for ADA access. That room will be used as a computer room, but will be designed as a bedroom.

There would be 2.5' to the lot line. The neighbor has a garage which abuts this which is 5' from her lot line. She does not object to the variance. This will be a good solution to the parking and ingress/egress problems, make the area safer, and eliminate the unreasonable maintenance issue.

There are other homes in the neighborhood that have 2 car garages, some of which face the street. This is not inconsistent with the neighborhood. The design will allow the house to maintain its historic look.

The pitch of the roof was designed so as not to create light problems for the neighbor's window.

They are also looking to add a second escape from the attic. That will help the interior safety issues as well. This proposal will enhance the values of the properties in the neighborhood.

With no one further appearing, the public hearing was closed.

**ACTION**

**July 27, 2001**

Members present: Wibbels, Krieser, Wanser, and Carroll

Carroll moved approval, seconded by Krieser.

Wanser stated that the "small room" would solve all the setback problems. While it is not the applicant's desire to use that as a garage, it is available. He is also concerned with the small distance between the 2

garages.

Motion for approval carried 3-1; Carroll, Krieser, and Wibbels voting 'yes'; Wanser voting 'no'; Hancock absent.

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